

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 09-4017-01-CR-C-NKL
)	
DONALD RAY GERLT,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On May 14, 2010, defendant Donald Ray Gerlt filed a pro se motion to dismiss. On May 27, 2010, the Government filed a motion to strike defendant's motion.¹

As set forth in this court's scheduling and trial order, the court does not accept pro se filings from defendants who are represented by counsel. Further, as set forth in the Government's motion to strike, defendant's motion is without merit.

Defendant subsequently, on July 22, 2010, filed an additional pro se motion, again seeking to dismiss and to set aside prospective mental evaluation. This motion is also without merit and as a pro se filing, should be stricken.

IT IS, THEREFORE, RECOMMENDED that defendant Donald Ray Gerlt's motion to dismiss and to set aside prospective mental evaluation be stricken. [36] It is further

RECOMMENDED that the Government's motion to strike defendant's pro se motion to dismiss be granted and defendant's motion to dismiss be stricken. [31, 34]

Counsel are reminded they have fourteen days from the date of receipt of a copy of this Report and Recommendation within which to file and serve objections to same. A failure to file and serve exceptions by this date shall bar an attack on appeal of the factual findings in the Report and Recommendation which are accepted or adopted by the district judge, except on the grounds of plain error or manifest injustice.

¹This case was referred to the undersigned United States Magistrate Judge for processing in accord with the Magistrate Act, 28 U.S.C. § 636, and L.R. 72.1.

Dated this 31st day of August, 2010, at Jefferson City, Missouri.

/s/ William A. Knox

WILLIAM A. KNOX
United States Magistrate Judge